

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 307

Citations Affected: IC 4-4-6.1-2.6; IC 5-2-1-9; IC 5-10-13-2; IC 6-1.1-17-20; IC 6-1.1-17-21; IC 8-22-3-11.6; IC 9-13-2-92; IC 10-14-2-5; IC 33-24-5-2; IC 35-47-4.5-3; IC 36.

Synopsis: Marion County local government. Provides that the general law concerning approval of budgets and tax levies of appointed boards does not apply to certain entities in Marion County that are covered by another statute. Requires the city-county council in Marion County to review the proposed operating and maintenance budgets and tax levies of the entities and to adopt final operating and maintenance budgets and tax levies for those entities. Requires the city-county council to review the proposed operating and maintenance budgets and tax levies of the health and hospital corporation only if the proposed property tax levies for the health and hospital corporation for the ensuing calendar year is more than 5% greater than the total of all property tax levies for the health and hospital corporation for the current calendar year. Authorizes the city-county council to reduce or modify but not increase an entity's proposed operating and maintenance budget or tax levy. Prohibits the city-county council from reducing or modifying an entity's budget or tax levy in a manner that would impair the rights of bondholders. Provides that a proposed operating and maintenance budget and tax levy of a taxing unit that is located within an excluded city or town shall be submitted to the city or town fiscal body for approval. Provides that in Marion County the city controller has all the powers and duties assigned to county auditors related to the fixing and reviewing of budgets, tax rates, and tax levies. Provides that the county auditor is responsible for the issuance of warrants for payments from county and city funds. Specifies that the county auditor is responsible for: (1) accounting, payroll, accounts payable, and accounts receivable; (2) revenue and tax distributions; and (3) maintenance of property records; for all city and county departments, offices, and agencies. Provides that the county auditor retains all the powers and duties assigned to county auditors under the property tax laws, other than the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies. Provides for the appointment of two deputy controllers by the mayor of Indianapolis. Creates the department of administration and equal opportunity in Marion County to replace the existing department of administration. Establishes the office of finance and management (the office). Specifies that the controller is the director of the office. Provides that the office is responsible for: (1) budgeting; (2) financial reporting and audits; (3) purchasing; and (4) fixed assets; for all city and county departments, offices, and agencies. Specifies that, except for the powers and duties reserved to the county auditor, the controller has the powers and duties

otherwise assigned by law to county auditors. Provides that the fire department of a township in Marion County may be consolidated into the fire department of the consolidated city if the legislative body of the consolidated city adopts an ordinance and the legislative body of the township (with approval of the township trustee) adopts a resolution approving the consolidation of the fire department of the township into the fire department of the consolidated city. Provides that beginning on the effective date of the consolidation, the consolidated fire department shall provide fire protection services in a township that consolidates its fire department into the fire department of the consolidated city. Provides that the property, equipment, records, rights, and contracts of a fire department consolidated into the fire department of the consolidated city are transferred to or assumed by the consolidated city on the effective date of the consolidation. Provides, however, that real property other than fire stations are transferred only if the city-county council and the township legislative body mutually agree to the terms of the transfer. Specifies that indebtedness related to fire protection services that is incurred before the effective date of the consolidation by the consolidated city remains the debt of the consolidated city and may only be paid from property taxes levied within the fire special service district. Provides that a firefighter who was a member of the 1977 fund before the effective date of a consolidation remains a member of the 1977 fund, and that a firefighter who was a member of the 1937 fund before the effective date of a consolidation remains a member of the 1937 fund. Provides that if a consolidated fire department is established, the consolidated city, through the consolidated fire department, shall establish, operate, and maintain emergency ambulance services in the fire special service district and the townships in the county that are consolidated. Provides for the adjustment of maximum property tax levies after consolidation fire protection services. Allows the city-county council and the governing board of the airport authority to adopt ordinances providing that the fire department of the airport authority is consolidated into the fire department of the consolidated city. Requires the mayor of Indianapolis to provide for independent evaluations and performance audits to determine the amount of any cost savings, operational efficiencies, improved service levels, and tax shifts that result from the consolidations. Allows the Marion County city-county council to adopt an ordinance to consolidate the Indianapolis police department and the Marion County sheriff's department. Provides that the consolidation takes effect on the date specified in the ordinance. Requires the ordinance to specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department. Provides that a person who was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments and becomes a law enforcement officer of the consolidated law enforcement department after the consolidation remains an employee beneficiary of the sheriff's pension trust. Provides that a person who was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments and becomes a law enforcement officer of the consolidated law enforcement department after the consolidation remains a member of the 1953 fund or the 1977 fund. Specifies that the ordinance must provide that the county sheriff's department shall be responsible for: (1) county jail operations and facilities; (2) emergency communications; (3) security for buildings and property owned by the city or the county; (4) service of civil process and collection of taxes under tax warrants; and (5) sex offender registration. Establishes the Marion County consolidation study commission. Requires the commission to study the consolidation of local government in Marion County, including the consolidation proposed in the "Indianapolis Works" plan. Requires the commission to issue a final report to the legislative council before December 1, 2005. Appropriates \$45,000 to the legislative council to hire consultants that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County. **(This conference committee report: (1) deletes the provisions concerning county option income tax; (2) deletes the provision concerning the membership of the Indianapolis airport authority board; (3) adds provisions related to consolidation of law enforcement; and (4) provides that the consolidation of a township fire department shall occur if the legislative body of the consolidated city adopt an ordinance and the legislative body of the township (with approval of the township trustee) adopts a resolution approving the consolidation of the fire department of the township into the fire department of the consolidated city.)**

Effective: Upon passage; July 1, 2005.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 307 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-4-6.1-2.6 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.6. (a) This section
- 4 applies to records and other information, including records and
- 5 information that are otherwise confidential, maintained by the
- 6 following:
- 7 (1) The board.
- 8 (2) An urban enterprise association.
- 9 (3) The department of state revenue.
- 10 (4) The department of commerce.
- 11 (5) The department of local government finance.
- 12 (6) A county auditor.
- 13 **(7) A controller for a consolidated city.**
- 14 ~~(7)~~ **(8) A township assessor.**
- 15 (b) A person listed in subsection (a) may request a second person
- 16 described in subsection (a) to provide any records or other information
- 17 maintained by the second person that concern an individual or business
- 18 that is receiving a tax deduction, exemption, or credit related to an
- 19 enterprise zone. Notwithstanding any other law, the person to whom the
- 20 request is made under this section must comply with the request. A
- 21 person receiving records or information under this section that are
- 22 confidential must also keep the records or information confidential.
- 23 (c) A person who receives confidential records or information under

1 this section and knowingly or intentionally discloses the records or
 2 information to an unauthorized person commits a Class A
 3 misdemeanor.

4 SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.62-2004,
 5 SECTION 1, AND AS AMENDED BY P.L.85-2004, SECTION 40,
 6 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The board shall adopt in
 8 accordance with IC 4-22-2 all necessary rules to carry out the
 9 provisions of this chapter. Such rules, which shall be adopted only after
 10 necessary and proper investigation and inquiry by the board, shall
 11 include the establishment of the following:

12 (1) Minimum standards of physical, educational, mental, and moral
 13 fitness which shall govern the acceptance of any person for training
 14 by any law enforcement training school or academy meeting or
 15 exceeding the minimum standards established pursuant to this
 16 chapter.

17 (2) Minimum standards for law enforcement training schools
 18 administered by towns, cities, counties, the northwest Indiana law
 19 enforcement training center, agencies, or departments of the state.

20 (3) Minimum standards for courses of study, attendance
 21 requirements, equipment, and facilities for approved town, city,
 22 county, and state law enforcement officer, police reserve officer,
 23 and conservation reserve officer training schools.

24 (4) Minimum standards for a course of study on cultural diversity
 25 awareness that must be required for each person accepted for
 26 training at a law enforcement training school or academy.

27 (5) Minimum qualifications for instructors at approved law
 28 enforcement training schools.

29 (6) Minimum basic training requirements which law enforcement
 30 officers appointed to probationary terms shall complete before
 31 being eligible for continued or permanent employment.

32 (7) Minimum basic training requirements which law enforcement
 33 officers not appointed for probationary terms but appointed on
 34 other than a permanent basis shall complete in order to be eligible
 35 for continued employment or permanent appointment.

36 (8) Minimum basic training requirements which law enforcement
 37 officers appointed on a permanent basis shall complete in order to
 38 be eligible for continued employment.

39 *(9) Minimum basic training requirements for each person accepted*
 40 *for training at a law enforcement training school or academy that*
 41 *include six (6) hours of training in interacting with persons with*
 42 *mental illness, addictive disorders, mental retardation, and*
 43 *developmental disabilities, to be provided by persons approved by*
 44 *the secretary of family and social services and the law enforcement*
 45 *training board.*

46 (b) Except as provided in subsection (l), a law enforcement officer
 47 appointed after July 5, 1972, and before July 1, 1993, may not enforce
 48 the laws or ordinances of the state or any political subdivision unless
 49 the officer has, within one (1) year from the date of appointment,
 50 successfully completed the minimum basic training requirements
 51 established under this chapter by the board. If a person fails to

1 successfully complete the basic training requirements within one (1)
 2 year from the date of employment, the officer may not perform any of
 3 the duties of a law enforcement officer involving control or direction of
 4 members of the public or exercising the power of arrest until the officer
 5 has successfully completed the training requirements. This subsection
 6 does not apply to any law enforcement officer appointed before July 6,
 7 1972, or after June 30, 1993.

8 (c) Military leave or other authorized leave of absence from law
 9 enforcement duty during the first year of employment after July 6,
 10 1972, shall toll the running of the first year, which in such cases shall
 11 be calculated by the aggregate of the time before and after the leave, for
 12 the purposes of this chapter.

13 (d) Except as provided in subsections (e) and (l), a law enforcement
 14 officer appointed to a law enforcement department or agency after June
 15 30, 1993, may not:

- 16 (1) make an arrest;
- 17 (2) conduct a search or a seizure of a person or property; or
- 18 (3) carry a firearm;

19 unless the law enforcement officer successfully completes, at a board
 20 certified law enforcement academy, *at the southwest Indiana law*
 21 *enforcement training academy under section 10.5 of this chapter*, or at
 22 the northwest Indiana law enforcement training center under section
 23 15.2 of this chapter, the basic training requirements established by the
 24 board under this chapter.

25 (e) Before a law enforcement officer appointed after June 30, 1993,
 26 completes the basic training requirements, the law enforcement officer
 27 may exercise the police powers described in subsection (d) if the officer
 28 successfully completes the pre-basic course established in subsection
 29 (f). Successful completion of the pre-basic course authorizes a law
 30 enforcement officer to exercise the police powers described in
 31 subsection (d) for one (1) year after the date the law enforcement
 32 officer is appointed.

33 (f) The board shall adopt rules under IC 4-22-2 to establish a
 34 pre-basic course for the purpose of training:

- 35 (1) law enforcement officers;
- 36 (2) police reserve officers (as described in IC 36-8-3-20); and
- 37 (3) conservation reserve officers (as described in IC 14-9-8-27);

38 regarding the subjects of arrest, search and seizure, use of force, and
 39 firearm qualification. The pre-basic course must be offered on a
 40 periodic basis throughout the year at regional sites statewide. The
 41 pre-basic course must consist of forty (40) hours of course work. The
 42 board may prepare a pre-basic course on videotape that must be used
 43 in conjunction with live instruction. The board shall provide the course
 44 material, the instructors, and the facilities at the regional sites
 45 throughout the state that are used for the pre-basic course. In addition,
 46 the board may certify pre-basic courses that may be conducted by other
 47 public or private training entities, including colleges and universities.

48 (g) The board shall adopt rules under IC 4-22-2 to establish a
 49 mandatory inservice training program for police officers. After June 30,
 50 1993, a law enforcement officer who has satisfactorily completed the
 51 basic training and has been appointed to a law enforcement department

or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes a minimum of sixteen (16) hours each year of inservice training in any subject area included in the law enforcement academy's basic training course or other job related subjects that are approved by the board as determined by the law enforcement department's or agency's needs. *Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the law enforcement training board.* In addition, a certified academy staff may develop and make available inservice training programs on a regional or local basis. The board may approve courses offered by other public or private training entities, including colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to any of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having ~~no~~ **not** more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish a police chief executive training program. The program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Firearm policies.
- (7) Department programs.

(j) A police chief shall apply for admission to the police chief executive training program within two (2) months of the date the police

chief initially takes office. A police chief must successfully complete the police chief executive training program within six (6) months of the date the police chief initially takes office. However, if space in the program is not available at a time that will allow the police chief to complete the program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available program that is offered to the police chief after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not serve as the police chief until the police chief has completed the police chief executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city; ~~and~~
- (2) the police chief of any town having a metropolitan police department; **and**
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.**

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the police chief executive training program.

(l) An investigator in the arson division of the office of the state fire marshal appointed:

- (1) before January 1, 1994, is not required; or
- (2) after December 31, 1993, is required;

to comply with the basic training standards established under this section.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

SECTION 3. IC 5-10-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state university police officer appointed under IC 20-12-3.5.
- (13) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
 - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
 - (B) not eligible for a special death benefit under IC 36-8-6-20,

IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(14) A firefighter who is employed by the fire department of a state university.

(15) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

SECTION 4. IC 5-10-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "employee" means an individual who:

(1) is employed full time by the state or a political subdivision of the state as:

(A) a member of a fire department (as defined in IC 36-8-1-8);

(B) an emergency medical services provider (as defined in IC 16-41-10-1);

(C) a member of a police department (as defined in IC 36-8-1-9);

(D) a correctional officer (as defined in IC 5-10-10-1.5);

(E) a state police officer;

(F) a county police officer;

(G) a county sheriff;

(H) an excise police officer;

(I) a conservation enforcement officer;

(J) a town marshal; ~~or~~

(K) a deputy town marshal; **or**

(L) a member of a consolidated law enforcement department established under IC 36-3-1-5.1;

(2) in the course of the individual's employment is at high risk for occupational exposure to an exposure risk disease; and

(3) is not employed elsewhere in a similar capacity.

SECTION 5. IC 6-1.1-17-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) This section applies:

(1) to each governing body of a taxing unit that is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) if the proposed property tax levy for the taxing unit for the ensuing calendar year is more than five percent (5%) greater than the property tax levy for the taxing unit for the current calendar year.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

(1) a school corporation; or

(2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall

be submitted at least fourteen (14) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted at least fourteen (14) days before the county fiscal body is required to hold budget approval hearings under this chapter.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

SECTION 6. IC 6-1.1-17-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 21. Notwithstanding any other law, in a county having a consolidated city, the city controller of the consolidated city has all the powers and shall perform all the duties assigned to county auditors under this chapter related to the fixing and reviewing of budgets, tax rates, and tax levies.**

SECTION 7. IC 8-22-3-11.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.**

(b) The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances providing that the fire department of the airport authority is consolidated into the fire department of the consolidated city, and that the fire department of the consolidated city shall provide fire protection services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.

(c) The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.

SECTION 8. IC 9-13-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:**

- (1) A state police officer.
- (2) A city, town, or county police officer.
- (3) A sheriff.

(4) A county coroner.

(5) A conservation officer.

(6) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in IC 35-41-1.

SECTION 9. IC 10-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is:

(1) a member of a fire department (as defined in IC 36-8-1-8);

(2) an emergency medical service provider (as defined in IC 16-41-10-1);

(3) a member of a police department (as defined in IC 36-8-1-9);

(4) a correctional officer (as defined in IC 5-10-10-1.5);

(5) a state police officer;

(6) a county police officer;

(7) a police reserve officer;

(8) a county sheriff;

(9) a deputy sheriff;

(10) an excise police officer;

(11) a conservation enforcement officer;

(12) a town marshal;

(13) a deputy town marshal;

(14) a university policy officer appointed under IC 20-12-3.5;

(15) a probation officer;

(16) a paramedic;

(17) a volunteer firefighter (as defined in IC 36-8-12-2);

(18) an emergency medical technician or a paramedic working in a volunteer capacity;

(19) a member of the armed forces of the United States;

(20) a member of the Indiana Air National Guard; ~~or~~

(21) a member of the Indiana Army National Guard; ~~or~~

(22) a member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:

(1) the surviving spouse;

(2) the surviving children if there is no surviving spouse; or

(3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The state emergency management agency shall administer this section and may adopt rules under IC 4-22-2 to implement this section.

SECTION 10. IC 33-24-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as provided in subsection (b), the sheriff of the supreme court or a county police officer shall:**

- (1) attend the court in term time;
- (2) execute the orders of the court;
- (3) preserve order within the court; and
- (4) execute all process issued out of the court.
- (3) execute all civil process issued out of the court.

(b) This subsection applies only if a consolidated law enforcement department is established under IC 36-3-1-5.1. The ordinance adopted by the legislative body of the consolidated city shall determine whether:

- (1) the orders of the court; and**
- (2) all criminal process issued out of the court;**

shall be executed by an officer of the sheriff's department or an officer of the consolidated law enforcement department.

SECTION 11. IC 35-47-4.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "public safety officer" means:

- (1) a state police officer;
- (2) a county sheriff;
- (3) a county police officer;
- (4) a correctional officer;
- (5) an excise police officer;
- (6) a county police reserve officer;
- (7) a city police officer;
- (8) a city police reserve officer;
- (9) a conservation enforcement officer;
- (10) a town marshal;
- (11) a deputy town marshal;
- (12) a state university police officer appointed under IC 20-12-3.5;
- (13) a probation officer;
- (14) a firefighter (as defined in IC 9-18-34-1);
- (15) an emergency medical technician; ~~or~~
- (16) a paramedic; **or**
- (17) a member of a consolidated law enforcement department established under IC 36-3-1-5.1.**

SECTION 12. IC 36-1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "Fiscal officer" means:

- (1) auditor, for a county **not having a consolidated city;**
- (2) controller, for a:
 - (A) consolidated city;**
 - (B) county having a consolidated city, except as otherwise provided; or**
 - (C) second class city;**
- (3) clerk-treasurer, for a third class city;
- (4) clerk-treasurer, for a town; or
- (5) trustee, for a township.

SECTION 13. IC 36-2-9-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies
2 to all counties **except a county having a consolidated city.**

3 SECTION 14. IC 36-2-9-7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~(a) This section does~~
5 ~~not apply to a county having a consolidated city.~~

6 ~~(b)~~ **(a)** The auditor shall perform the duties of clerk of the county
7 executive under IC 36-2-2-11.

8 ~~(c)~~ **(b)** If the auditor cannot perform the duties of clerk during a
9 meeting of the county executive, and ~~he~~ **the auditor** does not have a
10 deputy or ~~his~~ **the auditor's** deputy cannot attend the meeting, the
11 executive may deputize a person to perform those duties during the
12 meeting.

13 SECTION 15. IC 36-2-9-8 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~(a) This section does~~
15 ~~not apply to a county having a consolidated city.~~

16 ~~(b)~~ The auditor shall perform the duties of clerk of the county fiscal
17 body under IC 36-2-3-6(b).

18 SECTION 16. IC 36-2-9.5 IS ADDED TO THE INDIANA CODE
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2005]:

21 **Chapter 9.5. County Auditor of Marion County**

22 **Sec. 1. This chapter applies to a county having a consolidated**
23 **city.**

24 **Sec. 2. (a) The county auditor must reside within the county as**
25 **provided in Article 6, Section 6 of the Constitution of the State of**
26 **Indiana. The auditor forfeits office if the auditor ceases to be a**
27 **resident of the county.**

28 **(b) The term of office of the county auditor under Article 6,**
29 **Section 2 of the Constitution of the State of Indiana is four (4) years**
30 **and continues until a successor is elected and qualified.**

31 **Sec. 3. The county auditor shall keep an office in a building**
32 **provided at the county seat by the county executive. The auditor**
33 **shall keep the office open for business during regular business**
34 **hours on every day of the year except:**

35 **(1) Sundays;**

36 **(2) legal holidays; and**

37 **(3) days specified by the county executive according to the**
38 **custom and practice of the county.**

39 **Sec. 4. A legal action required to be taken in the county auditor's**
40 **office on a day when the auditor's office is closed under section 3 of**
41 **this chapter may be taken on the next day the office is open.**

42 **Sec. 5. The county auditor shall furnish standard forms for use**
43 **in the transaction of business under this article and for use in the**
44 **performance of services for which the auditor receives a specific**
45 **fee.**

46 **Sec. 6. The county auditor may administer the following:**

47 **(1) An oath necessary in the performance of the auditor's**
48 **duties.**

49 **(2) The oath of office to an officer who receives the officer's**
50 **certificate of appointment or election from the auditor.**

51 **(3) An oath relating to the duty of an officer who receives the**

officer's certificate of appointment or election from the auditor.
 (4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

Sec. 7. (a) The county auditor shall:

- (1) keep a separate account for each item of appropriation made by the legislative body of the consolidated city; and
- (2) in each warrant the county auditor draws on the county or city treasury, specifically indicate the item of appropriation the warrant is drawn against.

(b) The county auditor may not permit an item of appropriation to be:

- (1) overdrawn; or
- (2) drawn on for a purpose other than the specific purpose for which the appropriation was made.

(c) A county auditor who knowingly violates this section commits a Class A misdemeanor.

Sec. 8. The county auditor shall keep an accurate account current with the county treasurer. When a receipt given by the treasurer for money paid into the county or city treasury is deposited with the county auditor, the county auditor shall:

- (1) file the treasurer's receipt;
- (2) charge the treasurer with the amount of the treasurer's receipt; and
- (3) issue the county auditor's receipt to the person presenting the treasurer's receipt.

Sec. 9. (a) This section does not apply to:

- (1) funds received from the state or the federal government for:
 - (A) township assistance;
 - (B) unemployment relief; or
 - (C) old age pensions; or
- (2) other funds available under:
 - (A) the federal Social Security Act; or
 - (B) another federal statute providing for civil and public works projects.

(b) Except for money that by statute is due and payable from the county or city treasury to:

- (1) the state; or
- (2) a township or municipality in the county;

money may be paid from the county or city treasury only upon a warrant drawn by the county auditor.

(c) A warrant may be drawn on the county or city treasury only if:

- (1) the legislative body of the consolidated city made an appropriation of the money for the calendar year in which the warrant is drawn; and
- (2) the appropriation is not exhausted.

(d) Notwithstanding subsection (c), an appropriation by the legislative body is not necessary to authorize the drawing of a warrant on and payment from the county or city treasury for:

- (1) money that:

- 1 (A) belongs to the state; and
- 2 (B) is required by statute to be paid into the state treasury;
- 3 (2) money that belongs to a school fund, whether principal or
- 4 interest;
- 5 (3) money that:
- 6 (A) belongs to a township or municipality in the county; and
- 7 (B) is required by statute to be paid to the township or
- 8 municipality;
- 9 (4) money that:
- 10 (A) is due a person;
- 11 (B) is paid into the county or city treasury under an
- 12 assessment on persons or property of the county in territory
- 13 less than that of the whole county; and
- 14 (C) is paid for construction, maintenance, or purchase of a
- 15 public improvement;
- 16 (5) money that is due a person and is paid into the county
- 17 treasury to redeem property from a tax sale or other forced
- 18 sale;
- 19 (6) money that is due a person and is paid to the county or city
- 20 under law as a tender or payment to the person;
- 21 (7) taxes erroneously paid;
- 22 (8) money paid to a cemetery board under IC 23-14-65-22;
- 23 (9) money distributed under IC 23-14-70-3; or
- 24 (10) payments under a statute that expressly provides for
- 25 payments from the county or city treasury without
- 26 appropriation by the legislative body.
- 27 (e) A county auditor who knowingly violates this section commits
- 28 a Class A misdemeanor.
- 29 Sec. 10. (a) The county auditor shall examine and settle all
- 30 accounts and demands that are:
- 31 (1) chargeable against the county or city; and
- 32 (2) not otherwise provided for by statute.
- 33 (b) The county auditor shall issue warrants on the county or city
- 34 treasury for:
- 35 (1) sums of money settled and allowed by the county auditor;
- 36 (2) sums of money settled and allowed by another official; or
- 37 (3) settlements and allowances fixed by statute;
- 38 and shall make the warrants payable to the person entitled to
- 39 payment. The warrants shall be numbered progressively, and the
- 40 controller shall record the number, date, amount, payee, and
- 41 purpose of issue of each warrant at the time of issuance.
- 42 Sec. 11. Whenever:
- 43 (1) a judgment or an order is issued by a court in a case in
- 44 which the county was a party and was served with process for
- 45 the payment of a claim;
- 46 (2) a certified copy of the judgment or order is filed with the
- 47 auditor; and
- 48 (3) the claim is allowed by the county executive;
- 49 the auditor shall issue his warrant for the claim.
- 50 Sec. 12. (a) At the semiannual settlement under IC 6-1.1-27, the
- 51 auditor shall issue calls for the redemption of outstanding county

warrants if there is any money available in the county treasury for redemption of those warrants.

(b) A warrant included in a call under this section ceases to bear interest upon the date of the call. The county treasurer shall redeem warrants included in the call when they are presented to the county treasurer.

(c) An auditor who violates this section is liable for the interest on all money used for redemption.

Sec. 13. (a) The county auditor is responsible for the issuance of warrants for payments from county and city funds.

(b) The county auditor is responsible for:

- (1) accounting;
- (2) payroll, accounts payable, and accounts receivable;
- (3) revenue and tax distributions; and
- (4) maintenance of property records;

for all city and county departments, offices, and agencies.

Sec. 14. The county auditor has all the powers and duties assigned to county auditors under IC 6-1.1, except for the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies.

Sec. 15. The county auditor does not have powers and duties concerning the fixing and reviewing of budgets, tax rates, and tax levies.

Sec. 16. The county auditor has the powers and duties set forth in IC 36-2-9-18 and IC 36-2-9-20.

Sec. 17. If a county auditor is held personally liable for penalties and interest assessed by the Internal Revenue Service, the county treasurer shall reimburse the county auditor in an amount equal to the penalties and interest. However, the county treasurer may not reimburse the county auditor if the county auditor willfully or intentionally failed or refused to file a return or make a required deposit on the date the return or deposit was due.

SECTION 17. IC 36-3-1-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE] Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff in this section, the city-county legislative body may by majority vote adopt an ordinance, approved by the mayor, to consolidate the police department of the consolidated city and the county sheriff's department.

(b) The city-county legislative body may not adopt an ordinance under this section unless it first:

- (1) holds a public hearing on the proposed consolidation; and
- (2) determines that:
 - (A) reasonable and adequate police protection can be provided through the consolidation; and
 - (B) the consolidation is in the public interest.

(c) If an ordinance is adopted under this section, the consolidation shall take effect on the date specified in the ordinance.

(d) Notwithstanding any other law, an ordinance adopted under this section must provide that the county sheriff's department shall

be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:

- (1) County jail operations and facilities.
- (2) Emergency communications.
- (3) Security for buildings and property owned by:
 - (A) the consolidated city;
 - (B) the county; or
 - (C) both the consolidated city and county.
- (4) Service of civil process and collection of taxes under tax warrants.
- (5) Sex offender registration.

(e) The following apply if an ordinance is adopted under this section:

(1) The department of local government finance, on recommendation from the local government tax control board, shall adjust the maximum permissible ad valorem property tax levy of the consolidated city and the county for property taxes first due and payable in the year a consolidation takes effect under this section. When added together, the adjustments under this subdivision must total zero (0).

(2) The ordinance must specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department.

(3) The ordinance may not prohibit the providing of law enforcement services for an excluded city under an interlocal agreement under IC 36-1-7.

(4) A member of the county police force who:

(A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department;

remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(5) A member of the police department of the consolidated city who:

(A) was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department;

remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a

1 member of the consolidated law enforcement department for
 2 purposes of determining the member's benefits from the 1953
 3 fund or the 1977 fund.

4 (6) The ordinance must designate the merit system that shall
 5 apply to the law enforcement officers of the consolidated law
 6 enforcement department.

7 (7) The ordinance must designate who shall serve as a
 8 coapplicant for a warrant or an extension of a warrant under
 9 IC 35-33.5-2.

10 (8) The consolidated city may levy property taxes within the
 11 consolidated city's maximum permissible ad valorem property
 12 tax levy limit to provide for the payment of the expenses for the
 13 operation of the consolidated law enforcement department. The
 14 police special service district established under IC 36-3-1-6 may
 15 levy property taxes to provide for the payment of expenses for
 16 the operation of the consolidated law enforcement department
 17 within the territory of the police special service district.
 18 Property taxes to fund the pension obligation under IC 36-8-7.5
 19 may be levied only by the police special service district within
 20 the police special service district. The consolidated city may not
 21 levy property taxes to fund the pension obligation under
 22 IC 36-8-7.5. Property taxes to fund the pension obligation
 23 under IC 36-8-8 for members of the 1977 police officers' and
 24 firefighters pension and disability fund who were members of
 25 the police department of the consolidated city on the effective
 26 date of the consolidation may be levied only by the police
 27 special service district within the police special service district.
 28 Property taxes to fund the pension obligation under IC 36-8-8
 29 for members of the sheriff's pension trust and members of the
 30 1977 police officers' and firefighters pension and disability
 31 fund who were not members of the police department of the
 32 consolidated city on the effective date of the consolidation may
 33 be levied by the consolidated city within the consolidated city's
 34 maximum permissible ad valorem property tax levy. The assets
 35 of the consolidated city's 1953 fund and the assets of the
 36 sheriff's pension trust may not be pledged after the effective
 37 date of the consolidation as collateral for any loan.

38 (9) The executive of the consolidated city shall provide for an
 39 independent evaluation and performance audit, due before
 40 March 1 of the year following the adoption of the consolidation
 41 ordinance and for the following two (2) years, to determine:

42 (A) the amount of any cost savings, operational efficiencies,
 43 or improved service levels; and

44 (B) any tax shifts among taxpayers;

45 that result from the consolidation. The independent evaluation
 46 and performance audit must be provided to the legislative
 47 council in an electronic format under IC 5-14-6 and to the state
 48 budget committee.

49 SECTION 18. IC 36-3-1-6.1 IS ADDED TO THE INDIANA CODE
 50 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 51 UPON PASSAGE]: Sec. 6.1. (a) This section applies only in a county

1 containing a consolidated city. If the requirements of subsection (g)
 2 are satisfied, the fire departments of the following are consolidated
 3 into the fire department of a consolidated city (referred to as "the
 4 consolidated fire department"):

5 (1) A township for which the consolidation is approved by the
 6 township legislative body and trustee and the legislative body
 7 and mayor of the consolidated city.

8 (2) Any fire protection territory established under IC 36-8-19
 9 that is located in a township described in subdivision (1).

10 (b) If the requirements of subsection (g) are satisfied, the
 11 consolidated fire department shall provide fire protection services
 12 within an entity described in subsection (a)(1) or (a)(2) in which the
 13 requirements of subsection (g) are satisfied on the date agreed to in
 14 the resolution of the township legislative body and the ordinance of
 15 the legislative body of the consolidated city.

16 (c) If the requirements of subsection (g) are satisfied and the fire
 17 department of an entity listed in subsection (a) is consolidated into
 18 the fire department of the consolidated city, all of the property,
 19 equipment, records, rights, and contracts of the department
 20 consolidated into the fire department of the consolidated city are:

21 (1) transferred to; or

22 (2) assumed by;

23 the consolidated city on the effective date of the consolidation.
 24 However, real property other than real property used as a fire
 25 station may be transferred only on terms mutually agreed to by the
 26 legislative body and mayor of the consolidated city and the trustee
 27 and legislative body of the township in which that real property is
 28 located.

29 (d) If the requirements of subsection (g) are satisfied and the fire
 30 department of an entity listed in subsection (a) is consolidated into
 31 the fire department of the consolidated city, the employees of the
 32 fire department consolidated into the fire department of the
 33 consolidated city cease employment with the department of the
 34 entity listed in subsection (a) and become employees of the
 35 consolidated fire department on the effective date of the
 36 consolidation. The consolidated city shall assume all agreements
 37 with labor organizations that:

38 (1) are in effect on the effective date of the consolidation; and

39 (2) apply to employees of the department consolidated into the
 40 fire department of the consolidated city who become employees
 41 of the consolidated fire department.

42 (e) If the requirements of subsection (g) are satisfied and the fire
 43 department of an entity listed in subsection (a) is consolidated into
 44 the fire department of a consolidated city, the indebtedness related
 45 to fire protection services incurred before the effective date of the
 46 consolidation by the entity or a building, holding, or leasing
 47 corporation on behalf of the entity whose fire department is
 48 consolidated into the consolidated fire department under
 49 subsection (a) shall remain the debt of the entity and does not
 50 become and may not be assumed by the consolidated city.
 51 Indebtedness related to fire protection services that is incurred by

the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated the merit board and the merit system of the fire department that is consolidated are dissolved on the effective date of the consolidation, and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city, the legislative body of the consolidated city may adopt an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city and the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

1 (3) Notwithstanding any other provision, a firefighter:

2 (A) who is a member of the 1937 fund before the effective
3 date of a consolidation under this section; and

4 (B) who, after the consolidation, becomes an employee of the
5 fire department of a consolidated city under this section;

6 remains a member of the 1937 fund. The firefighter shall
7 receive credit for any service as a member of the 1937 fund
8 before the consolidation to determine the firefighter's eligibility
9 for benefits under IC 36-8-7.

10 (4) For property taxes first due and payable in the year in
11 which the consolidation is effective, the maximum permissible
12 ad valorem property tax levy under IC 6-1.1-18.5:

13 (A) is increased for the consolidated city by an amount equal
14 to the maximum permissible ad valorem property tax levy in
15 the year preceding the year in which the consolidation is
16 effective for fire protection and related services by the
17 township whose fire department is consolidated into the fire
18 department of the consolidated city under this section; and

19 (B) is reduced for the township whose fire department is
20 consolidated into the fire department of the consolidated city
21 under this section by the amount equal to the maximum
22 permissible ad valorem property tax levy in the year
23 preceding the year in which the consolidation is effective for
24 fire protection and related services for the township.

25 (5) The amount levied in the year preceding the year in which
26 the consolidation is effective by the township whose fire
27 department is consolidated into the fire department of the
28 consolidated city for the township's cumulative building and
29 equipment fund for fire protection and related services is
30 transferred on the effective date of the consolidation to the
31 consolidated city's cumulative building and equipment fund for
32 fire protection and related services, which is hereby
33 established. The consolidated city is exempted from the
34 requirements of IC 36-8-14 and IC 6-1.1-41 regarding
35 establishment of the cumulative building and equipment fund
36 for fire protection and related services.

37 (6) The local boards for the 1937 firefighters' pension fund and
38 the 1977 police officers' and firefighters' pension and disability
39 fund of the township are dissolved, and their services are
40 terminated not later than the effective date of the consolidation.
41 The duties performed by the local boards under IC 36-8-7 and
42 IC 36-8-8, respectively, are assumed by the consolidated city's
43 local board for the 1937 firefighters' pension fund and local
44 board for the 1977 police officers' and firefighters' pension and
45 disability fund, respectively. Notwithstanding any other
46 provision, the legislative body of the consolidated city may
47 adopt an ordinance to adjust the membership of the
48 consolidated city's local board to reflect the consolidation.

49 (7) The consolidated city may levy property taxes within the
50 consolidated city's maximum permissible ad valorem property
51 tax levy limit to provide for the payment of the expenses for the

operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and for the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 19. IC 36-3-1-6.2 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 20. IC 36-3-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A special service district of the consolidated city:

(1) may sue and be sued;

(2) may exercise powers of the consolidated city to the extent that those powers are delegated to it by law, but may not issue bonds; and

(3) shall provide services to property owners only in the district, unless a law provides otherwise.

(b) A special service district or special taxing district shall be administered under the jurisdiction of a department of the consolidated city **or the county**. The territory of a special service district or special taxing district may be expanded, in the manner prescribed by law, to include territory inside the county that is not originally included in the district.

(c) The city-county legislative body may, by ordinance, expand the territory of a **special service solid waste collection** district **subject to the following conditions: as follows:**

(1) In the case of the fire district, the ordinance may not be considered unless a petition to include additional territory in the district is first submitted to the metropolitan development commission for study and recommendation. The petition must be signed by a majority of the landowners, or by owners of land amounting to seventy-five percent (75%) in assessed valuation, in the proposed additional territory. After receiving the petition, the metropolitan development commission shall make findings of fact and recommendations and serve copies of these on the fire chief; the executive of each township affected; and the petitioners at least thirty (30) days before a public hearing before the legislative body. After the public hearing, the legislative body may pass the ordinance only if it determines:

(A) that reasonable and adequate fire protection service can be provided within the additional territory by the consolidated city; and

(B) that expansion of the district is in the public interest.

(2) In the case of the police district, the legislative body must hold a public hearing and then may pass the ordinance only if it determines:

(A) that reasonable and adequate police protection can be provided within the additional territory by the consolidated city; and

(B) that expansion of the district is in the public interest.

(3) In the case of the solid waste collection district,

(1) The ordinance may not be considered unless a petition to include additional territory in the district is first submitted to the works board for study and recommendation.

(2) The petition must be signed by at least ten (10) interested residents in the proposed additional territory.

(3) After receiving the petition, the works board shall:

(A) set a date for a public hearing;

(B) publish notice of the hearing in accordance with IC 5-3-1; and

(C) upon hearing the matter, determine whether the territory should be added to the district.

(4) If the works board recommends that the territory should be

added to the district, the legislative body must hold a public hearing and then may pass the ordinance.

(5) Territory in the solid waste collection district may also be removed from the district in the manner prescribed by this ~~subdivision:~~ **section.**

SECTION 21. IC 36-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The executive shall, subject to the approval of the city-county legislative body, appoint each of ~~his~~ **the executive's** deputies and the director of each department of the consolidated city. A deputy or director is appointed for a term of one (1) year and until ~~his~~ **a** successor is appointed and qualified, but serves at the pleasure of the executive.

(b) When making an appointment under subsection (a), the executive shall submit the name of an appointee to an office to the legislative body for its approval as follows:

(1) When the office has an incumbent, not more than forty-five (45) days before the expiration of the incumbent's one (1) year term.

(2) When the office has been vacated, not more than forty-five (45) days after the vacancy occurs.

(c) The executive may appoint an acting deputy or acting director whenever the incumbent is incapacitated or the office has been vacated. An acting deputy or acting director has all the powers of the office.

(d) The executive shall appoint:

(1) a controller;

(2) two (2) deputy controllers, only one (1) of whom may be from the same political party as the executive; and

(3) a corporation counsel;

each of whom serves at the pleasure of the executive.

(e) The corporation counsel and every attorney who is a city employee working for the corporation counsel must be a resident of the county and admitted to the practice of law in Indiana.

SECTION 22. IC 36-3-5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. **(a)** The controller appointed under section 2 of this chapter is:

(1) the fiscal officer of:

(A) the consolidated city; ~~but and~~

(B) the county; and

(2) the director of the office of finance and management under section 2.7 of this chapter.

(b) The county treasurer ~~shall serve~~ **serves** ex officio as the treasurer of the consolidated city.

SECTION 23. IC 36-3-5-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.6. The:

(1) controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the controller's duty as a fiscal officer of:

(A) the consolidated city; and

(B) the county; and

(2) deputy controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the deputy controller's duty;

1 unless the act or omission constitutes gross negligence or an intentional
2 disregard of the controller's **or the deputy controller's** duty.

3 SECTION 24. IC 36-3-5-2.7 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2005]: **Sec. 2.7. (a) The office of finance and management**
6 **is established and is responsible for:**

- 7 (1) **budgeting, except as provided in subsection (c);**
- 8 (2) **financial reporting and audits;**
- 9 (3) **purchasing; and**
- 10 (4) **fixed assets;**

11 **for all city and county departments, offices, and agencies.**

12 **(b) The controller:**

- 13 (1) **serves as the director of; and**
- 14 (2) **may organize into divisions;**

15 **the office of finance and management.**

16 **(c) The office of finance and management is not responsible for**
17 **the issuance of warrants for payments from county and city funds.**

18 SECTION 25. IC 36-3-5-2.8 IS ADDED TO THE INDIANA CODE
19 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2005]: **Sec. 2.8. (a) Except as provided in subsections (b)**
21 **and (c), the controller:**

- 22 (1) **has all the powers; and**
- 23 (2) **performs all the duties;**

24 **of the county auditor under law.**

25 **(b) The controller:**

- 26 (1) **does not have the powers; and**
- 27 (2) **may not perform the duties;**

28 **of the county auditor under IC 36-2-9.5 and IC 36-3-6, or as a**
29 **member of the board of commissioners of the county under**
30 **IC 36-3-3-10.**

31 **(c) Notwithstanding subsection (a) or any other law, the**
32 **executive, with the approval of the legislative body, may allocate**
33 **the duties of the county auditor, except the duties referred to in**
34 **subsection (b), among:**

- 35 (1) **the controller;**
- 36 (2) **the county assessor;**
- 37 (3) **the county auditor; or**
- 38 (4) **other appropriate city or county officials.**

39 SECTION 26. IC 36-3-5-4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4. (a) The following**
41 **executive departments of the consolidated city are established, subject**
42 **to IC 36-3-4-23:**

- 43 (1) **Department of administration and equal opportunity.**
- 44 (2) **Department of metropolitan development.**
- 45 (3) **Department of public safety.**
- 46 (4) **Department of public works.**
- 47 (5) **Department of transportation.**
- 48 (6) **Department of parks and recreation.**

49 **These departments and their divisions have all the powers, duties,**
50 **functions, and obligations prescribed by law for them as of August 31,**
51 **1981, subject to IC 36-3-4-23.**

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article.

SECTION 27. IC 36-3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. The controller shall furnish standard forms for use in the:**

- (1) transaction of business; and**
- (2) performance of services for which the consolidated city or county receives a specific fee.**

SECTION 28. IC 36-3-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. The controller, in the name of the state and on behalf of any fund of the county or consolidated city, may sue principals or sureties on any obligation, whether the obligation is in the name of the state or another person.**

SECTION 29. IC 36-3-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11. The controller shall:**

- (1) immediately file the original of the county treasurer's monthly report under IC 36-2-10-16 with the records of the county board of finance;**
- (2) present one (1) copy of the report to the legislative body of the consolidated city at its next regular meeting; and**
- (3) immediately transmit one (1) copy of the report to the state board of accounts.**

SECTION 30. IC 36-3-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12. (a) Except as provided in subsection (b), if the controller is held personally liable for penalties and interest assessed by the Internal Revenue Service, the county treasurer shall reimburse the controller in an amount equal to the penalties and interest.**

(b) The county treasurer may not reimburse the controller under subsection (a) if the controller willfully or intentionally fails or refuses to file a return or make a required deposit on the date the return or deposit is due.

SECTION 31. IC 36-3-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.**

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

- (1) The director of each department of the consolidated city.**
- (2) Each township assessor, elected county officer, or head of a county agency.**

(3) The county clerk, for each court of which he is clerk.

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate ~~he the officer~~ prepares stating that in ~~his the~~ **officer's** opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers **and county officers** shall be submitted to the ~~city fiscal officer~~, and ~~all of the estimates prepared by county officers shall be submitted to the county fiscal officer~~. **controller.**

(g) The ~~city fiscal officer~~ **controller** shall also prepare an itemized estimate of city **and county** expenditures for other purposes above the money proposed to be used by the city departments **and county officers and agencies.**

SECTION 32. IC 36-3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~consolidated city fiscal officer controller~~ shall review and revise the estimates of ~~city~~ expenditures ~~prepared submitted~~ under section 4 of this chapter. Then ~~he the controller~~ shall prepare for the executive a report of the estimated ~~department~~ budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates, along with ~~his the~~ **controller's** recommendations.

(b) The executive shall determine the amounts to be included in the proposed appropriations ordinance by the ~~city fiscal officer controller~~ and advise ~~him the controller~~ of those amounts.

SECTION 33. IC 36-3-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~consolidated city fiscal officer and the county fiscal officer controller~~ shall, with the assistance of the corporation counsel, prepare:

(1) proposed appropriations ordinances for the city and county and each special service district; and

(2) proposed ordinances fixing the rate of taxation for the taxes to be levied for all city and county departments, offices, and agencies.

The proposed appropriations ordinances must contain all the amounts necessary for the operation of consolidated government, listed in major classifications.

(b) The ~~fiscal officers controller~~ shall submit the proposed ordinances **prepared under subsection (a)** along with appropriation detail accounts for each city and county department, office, and agency, to the city clerk not later than the first meeting of the city-county legislative body in August.

SECTION 34. IC 36-3-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. After the passage of an appropriations ordinance, a legislative body may, on the recommendation of

(1) the consolidated city fiscal officer as to city matters; or
 (2) the county fiscal officer controller, as to all city and county matters,

make further or additional appropriations, unless their result is to increase a tax levy set by ordinance.

SECTION 35. IC 36-3-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The city-county legislative body ~~may shall~~ review ~~and modify~~ the **proposed** operating and maintenance budgets and ~~the~~ tax levies ~~of and adopt final operating and maintenance budgets and tax levies for each of the~~ following entities in the county:

(1) An airport authority operating under IC 8-22-3.

~~(2) A health and hospital corporation operating under IC 16-22-8.~~

~~(3) (2)~~ A public library operating under IC 20-14.

~~(4) (3)~~ A capital improvement board of managers operating under IC 36-10.

~~(5) (4)~~ A public transportation corporation operating under IC 36-9-4.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after adoption of its **proposed** budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

(c) The city-county legislative body may review the issuance of bonds of an entity listed in subsection (a), but approval of the city-county legislative body is not required for the issuance of bonds. **The city-county legislative body may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:**

(1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) **If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval.**

(e) **The city-county legislative body may review and modify the operating and maintenance budgets and the tax levies of a health and hospital corporation operating under IC 16-22-8. If the total of all proposed property tax levies for the health and hospital corporation for the ensuing calendar year is more than five percent (5%) greater than the total of all property tax levies for the health and hospital corporation for the current calendar year, the city-county legislative body shall review the proposed budget and the tax levies of the health and hospital corporation and shall adopt**

the final budget and tax levies for the health and hospital corporation. Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase the health and hospital corporation's proposed operating and maintenance budget or tax levy under this section. The board of the health and hospital corporation shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

SECTION 36. IC 36-6-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer poor relief under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8, **except in a township that:**
 - (A) is located in a county having a consolidated city; and**
 - (B) consolidated the township's fire department under IC 36-3-1-6.1.**
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10.
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

SECTION 37. IC 36-8-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to:

- (1) all municipalities; and**
- (2) a county having a consolidated city.**
- (b) A warrant of search or arrest, issued by any judge, may be executed in the municipality by:
 - (1) any municipal police officer; or**
 - (2) a member of the consolidated law enforcement department established under IC 36-3-1-5.1;**
 subject to the laws governing arrest and bail.
- (c) The police officers of a municipality **or a member of the consolidated law enforcement department** shall:
 - (1) serve all process within the municipality **or the consolidated city** issuing from the city or town court;
 - (2) arrest, without process, all persons who within view violate statutes, take them before the court having jurisdiction of the

offense, and retain them in custody until the cause of the arrest has been investigated;

(3) enforce municipal ordinances in accordance with IC 36-1-6;

(4) suppress all breaches of the peace within their knowledge and may call to their aid the power of the municipality **or the consolidated city** and pursue and commit to jail persons guilty of crimes;

(5) serve all process issued by:

(A) the legislative body of the municipality **or the consolidated city**; or

(B) any committee of it; ~~the legislative body of the municipality or the consolidated city~~; or by

(C) any of the executive departments of the municipality **or the consolidated city**;

(6) serve the city or town court and assist the bailiff in preserving order in the court; and

(7) convey prisoners to and from the county jail or station houses of the municipality **or the consolidated city** for arraignment or trial in the city or town court or to the place of imprisonment under sentence of the court.

SECTION 38. IC 36-8-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to **the following**:

(1) All municipalities.

(2) **A county having a consolidated city that establishes a consolidated law enforcement department established under IC 36-3-1-5.1. In addition;**

(b) Section 2 of this chapter applies to any other political subdivision that employs full-time, fully paid firefighters.

SECTION 39. IC 36-8-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if ~~he~~ **the firefighter**:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if ~~he~~ **the firefighter**:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1937 fund.

(d) **A firefighter who:**

(1) **is covered by this chapter before a consolidation under IC 36-3-1-6.1; and**

(2) becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1; is covered by this chapter after the effective date of the consolidation, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

SECTION 40. IC 36-8-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If a unit has less than five (5) members in its fire department, the unit may provide for the organization of a local board consisting of the fire chief, the executive of the unit, and one (1) member of the fire department.

(b) The trustee from the fire department shall be elected under this section.

(c) The local board may amend the bylaws of the fund to elect the trustee from the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(d) This subsection applies only if the local board does not elect to be governed by subsection (c). The trustee from the fire department shall be elected at a meeting held on the second Monday in February each year. The meeting shall be called by the fire chief and held at the house or quarters of the fire department.

(e) The term of the elected trustee is one (1) year beginning immediately after his the trustee's election.

(f) Each member of the department is entitled to one (1) ballot and the person receiving the highest number of votes is elected. The executive of the unit, the fire chief, and the city or county clerk shall canvass and count the ballots, and the clerk shall issue a certificate of election to the person having received the highest number of votes. If two (2) persons have received the same number of votes, the executive and the chief shall immediately determine by lot who will be the trustee from the persons receiving an equal number of votes.

(g) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.

SECTION 41. IC 36-8-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An election shall be held each year under this section to elect one (1) trustee from the active members of the fire department for a term of four (4) years, commencing on the day of his election. The fire chief shall fix a time for holding a convention to nominate candidates for trustees to be elected at each election. Each convention must be held at least five (5) days before the day on which the annual election is held. A convention consists of one (1) delegate from each fire company and one (1) delegate to be selected by the chief and his the chief's assistants. The delegate from each fire company shall be elected by ballot by the members of the company at a time to be fixed by the chief in the call for a convention. The election of delegates shall be certified by the captain or other officer of the company, or, if there is not an officer present, then by the oldest member of the company present. The

1 convention, when assembled, shall nominate six (6) members of the fire
 2 department to be voted upon as trustees, and the delegates shall report
 3 the names of the persons nominated as candidates to their respective
 4 companies in writing.

5 (b) The local board may amend the bylaws of the fund to elect the
 6 trustee from the active members of the fire department in an election
 7 held on any three (3) consecutive days in February specified in the
 8 bylaws. The election shall be called by the fire chief and held at the
 9 house or quarters of the respective companies of the fire department.
 10 Subject to this section, the election shall be conducted in the manner
 11 specified in the bylaws.

12 (c) This subsection applies only if the local board does not elect to be
 13 governed by subsection (b). The election shall be held at the houses or
 14 quarters of the respective companies on the second Monday in February
 15 between 9 a.m. and 6 p.m.

16 (d) Each member of a fire company is entitled to one (1) ballot, and
 17 the ballot may not contain the names of more than one (1) person,
 18 chosen from the six (6) persons nominated by the convention. The
 19 candidate receiving the highest number of votes is elected.

20 (e) The captain or other officer in command of each of the fire
 21 companies, immediately after the casting of all ballots, shall canvass
 22 and count the ballots. ~~He~~ **The captain or other officer** shall certify in
 23 writing the total number of ballots cast and the number of votes
 24 received by each candidate for the office of trustee. After signing the
 25 certificate, the officer shall enclose it, together with all the ballots cast
 26 by the fire company, in an envelope, securely sealed and addressed, and
 27 deliver them to the fire chief. The fire chief shall deliver them to the
 28 executive of the unit as soon as **the chief receives** all the certificates
 29 and ballots. ~~have been received by him.~~ Upon receipt the executive
 30 shall, in the presence of the chief and the clerk of the unit, open the
 31 envelopes, examine the certificates, and determine the total number of
 32 votes cast for each of the candidates. The executive shall then issue a
 33 certificate of election to the candidate having received the highest
 34 number of votes. If two (2) or more candidates have received the same
 35 number of votes, the executive and the chief shall immediately
 36 determine by lot who will be trustee from the persons receiving an
 37 equal number of votes. An election may not be set aside for lack of
 38 formality in balloting by the members or in certifying or transmitting
 39 the returns of an election by the officers in charge.

40 **(f) This section does not apply to a township if the fire**
 41 **department of the township is consolidated under IC 36-3-1-6.1.**

42 SECTION 42. IC 36-8-7-6 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) An election
 44 shall be held under this section every two (2) years to elect one (1)
 45 trustee from the retired members of the fire department for a term of
 46 two (2) years, commencing on the day of ~~his~~ **the trustee's** election, if
 47 the retired list contains **at least** three (3) ~~or more~~ retired members at the
 48 time of election. The fire chief shall fix a time for holding a convention
 49 to nominate candidates for trustee to be elected at each election. Each
 50 convention must be held at least fifteen (15) days before the day on
 51 which the biennial election is held. All retired members of the fire

department may participate in the convention. The convention, when assembled, shall nominate not more than four (4) members of the retired list to be voted upon as trustee. The secretary of the board shall mail the names of the persons nominated along with an official ballot to the retired members within forty-eight (48) hours of the end of the convention.

(b) The election shall be conducted by mail. Each retired member is entitled to cast one (1) ballot by mail and the ballot may not contain more than one (1) name, chosen from the list of retired persons nominated by the convention. The candidate receiving the highest number of votes by 6 p.m. on the second Monday in February or an alternative date in February specified in the bylaws of the fund is elected.

(c) The ballots must remain closed and inviolate until the close of the election, at which time, in the presence of the executive of the unit, the fire chief, and the clerk of the unit, the ballots shall be opened and counted. A certificate of election shall be issued to the candidate receiving the highest number of votes. If two (2) or more candidates receive the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes.

(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.

SECTION 43. IC 36-8-7-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) All ballots voted under this chapter shall be secured until the balloting is closed.

(b) Tampering with a ballot for an election under this chapter is a Class A infraction.

(c) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.

SECTION 44. IC 36-8-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The fire chief is the president of the local board.

(b) At the first meeting after each election, the local board shall elect a secretary, who may be chosen from among the trustees. However, the local board may consider it proper to have a secretary who is a member of the fire department, to be elected by the companies for a term of four (4) years in the same manner as the election for trustees. The secretary shall keep a full record of all the proceedings of the local board in a book provided for that purpose.

(c) The local board shall make all rules necessary for the discharge of its duties and shall hear and determine all applications for relief or pensions under this chapter.

(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.

SECTION 45. IC 36-8-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to pension benefits for members of police departments hired before May 1, 1977, by a consolidated city.

(b) A police officer with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if:

- 1 (1) the officer was hired before May 1, 1977;
- 2 (2) the officer did not convert under IC 19-1-17.8-7 (repealed
- 3 September 1, 1981);
- 4 (3) the officer was not a member of the 1953 fund because:
- 5 (A) ~~his~~ **the officer's** employment was on a temporary or
- 6 emergency status under a statute in effect before February 25,
- 7 1953;
- 8 (B) ~~he~~ **the officer** failed to pass a five (5) year physical
- 9 requirement under such a statute; or
- 10 (C) ~~he~~ **the officer** was a war veteran without pension status;
- 11 (4) the officer submitted to a physical medical examination, if
- 12 required by the local board, and the results were satisfactory; and
- 13 (5) the officer was accepted by the local board as a member of the
- 14 1953 fund upon payment of all dues required for ~~his~~ **the officer's**
- 15 entire time as a member of the police department.
- 16 (c) A police officer is covered by this chapter and not by IC 36-8-8
- 17 if ~~he~~ **the officer**:
- 18 (1) was hired before May 1, 1977; and
- 19 (2) did not convert under IC 19-1-17.8-7 (repealed September 1,
- 20 1981).
- 21 (d) A police officer is covered by this chapter and not by IC 36-8-8
- 22 if ~~he~~ **the officer**:
- 23 (1) was hired before May 1, 1977;
- 24 (2) did not convert under IC 19-1-17.8-7 (repealed September 1,
- 25 1981);
- 26 (3) is a regularly appointed member of the police department;
- 27 (4) is a member of the 1953 fund;
- 28 (5) was employed on a temporary or emergency status before
- 29 regular employment; and
- 30 (6) paid into the 1953 fund by not later than January 1, 1968, all
- 31 dues for the period ~~he~~ **the officer** was on temporary or emergency
- 32 status.
- 33 (e) **A police officer who:**
- 34 (1) **is covered by this chapter before consolidation under**
- 35 **IC 36-3-1-5.1; and**
- 36 (2) **becomes a member of the consolidated law enforcement**
- 37 **department through consolidation under IC 36-3-1-5.1;**
- 38 **is covered by this chapter after the effective date of the**
- 39 **consolidation, and the officer's service as a member of the**
- 40 **consolidated law enforcement department is considered active**
- 41 **service under this chapter.**
- 42 ~~(e)~~ (f) In computing the length of active service rendered by any
- 43 police officer for the purpose of determining the expiration of a period
- 44 of twenty (20) years of active service, all of the following periods are
- 45 counted:
- 46 (1) All of the time the officer performed the duties of ~~his~~ **the**
- 47 **officer's** position in active service.
- 48 (2) Vacation time or periods of leave of absence with whole or part
- 49 pay.
- 50 (3) Periods of leave of absence without pay that were necessary on
- 51 account of physical or mental disability.

(4) Periods of disability for which the officer will receive or has received any disability benefit.

~~(f)~~ **(g)** In computing the term of service there is not included any of the following:

(1) Periods during which the police officer was or is suspended or on leave of absence without pay.

(2) Periods during which the officer was not in active service on account of ~~his~~ **the officer's** resignation from the department.

(3) Time served as a special police officer, a merchant police officer, or private police officer.

SECTION 46. IC 36-8-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996; ~~and~~

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who

1 **is hired or rehired after the effective date of the consolidation**
 2 **by a consolidated law enforcement department established**
 3 **under IC 36-3-1-5.1;**

4 except as provided by section 7 of this chapter.

5 SECTION 47. IC 36-8-8-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this
 7 chapter, "employer" means:

8 (1) a municipality that established a 1925 or 1953 fund or that
 9 participates in the 1977 fund under section 3 or 18 of this chapter;

10 **or**

11 (2) a unit that established a 1937 fund or that participates in the
 12 1977 fund under section 3 or 18 of this chapter;

13 **(3) a consolidated city that consolidated the fire departments of**
 14 **units that:**

15 **(A) established a 1937 fund; or**

16 **(B) participated in the 1977 fund;**

17 **before the units' consolidation into the fire department of a**
 18 **consolidated city established by IC 36-3-1-6.1; or**

19 **(4) a consolidated city that establishes a consolidated law**
 20 **enforcement department under IC 36-3-1-5.1.**

21 SECTION 48. IC 36-8-8-7 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as
 23 provided in subsections (d), (e), (f), (g), ~~and~~ (h), **(k), (l), (m), and (n):**

24 (1) a police officer; or

25 (2) a firefighter;

26 who is less than thirty-six (36) years of age and who passes the baseline
 27 statewide physical and mental examinations required under section 19
 28 of this chapter shall be a member of the 1977 fund and is not a member
 29 of the 1925 fund, the 1937 fund, or the 1953 fund.

30 (b) A police officer or firefighter with service before May 1, 1977,
 31 who is hired or rehired after April 30, 1977, may receive credit under
 32 this chapter for service as a police officer or firefighter prior to entry
 33 into the 1977 fund if the employer who rehires ~~him~~ **the police officer**
 34 **or firefighter** chooses to contribute to the 1977 fund the amount
 35 necessary to amortize ~~his~~ **the police officer's or firefighter's** prior
 36 service liability over a period of not more than forty (40) years, the
 37 amount and the period to be determined by the PERF board. If the
 38 employer chooses to make the contributions, the police officer or
 39 firefighter is entitled to receive credit for ~~his~~ **the police officer's or**
 40 **firefighter's** prior years of service without making contributions to the
 41 1977 fund for that prior service. In no event may a police officer or
 42 firefighter receive credit for prior years of service if the police officer
 43 or firefighter is receiving a benefit or is entitled to receive a benefit in
 44 the future from any other public pension plan with respect to the prior
 45 years of service.

46 (c) Except as provided in section 18 of this chapter, a police officer
 47 or firefighter is entitled to credit for all years of service after April 30,
 48 1977, with the police or fire department of an employer covered by this
 49 chapter.

50 (d) A police officer or firefighter with twenty (20) years of service
 51 does not become a member of the 1977 fund and is not covered by this

chapter, if ~~he~~ **the police officer or firefighter:**

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if ~~he~~ **the police officer or firefighter:**

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if ~~he~~ **the police officer or firefighter:**

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, ~~he~~ **the police officer or firefighter** is entitled to receive credit for all ~~his~~ **the police officer's or firefighter's** years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the

individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, a police officer or firefighter who:

(1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1, provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) has the provision of those services consolidated into the fire department of a consolidated city; and

(3) after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

SECTION 49. IC 36-8-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all townships. **However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.**

SECTION 50. IC 36-8-19-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as provided in section 1.5 of this chapter**, this chapter applies to any geographic area that is established as a fire protection territory.

SECTION 51. IC 36-8-19-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. **If the fire departments of a township is consolidated under IC 36-3-1-6.1, after the effective date of the consolidation the township may not establish fire protection territory under this chapter.**

(b) A fire protection territory that is established before the effective date of the consolidation in a township in which the township's fire department is consolidated under IC 36-3-1-6.1 becomes part of the geographic area in which the fire department of a consolidated city provides fire protection services.

SECTION 52. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Marion County consolidation study commission established by subsection (b).

(b) The Marion County consolidation study commission is established.

(c) The commission consists of the following members:

(1) Two (2) members of the house of representatives, not more than one (1) of whom may be a member of the same political party, appointed by the speaker of the house of representatives.

(2) Two (2) members of the senate, not more than one (1) of whom may be a member of the same political party, appointed by the president pro tempore of the senate.

(3) One (1) member appointed by the mayor of Indianapolis.

(4) One (1) member who is a township trustee in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Trustees Association.

(5) One (1) member who is an elected township assessor in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Township Assessors Association.

(6) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Lodge No. 86, Fraternal Order of Police, Inc. One (1) member appointed under this subdivision must be a law enforcement officer employed by the Marion County Sheriff's Department, and one (1) member appointed under this subdivision must be a law enforcement officer employed by the Indianapolis Police Department.

(7) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Metropolitan Professional Firefighters Local 416. One (1) member appointed under this subdivision must be a full-time firefighter employed by a fire department in a Marion County township other than Center Township. One (1) member appointed under this subdivision must be a full-time firefighter employed by the Indianapolis Fire Department.

(8) Two (2) members of the Marion County city-county council appointed by the chairman of the legislative council upon the joint recommendation of the president and the minority leader of the Marion County city-county council.

(9) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(10) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(d) The chairman of the legislative council shall appoint a member of the commission as the chair of the commission.

(e) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including the adoption of a final report.

(f) The legislative services agency shall provide staff support for the commission.

(g) Except as otherwise provided in this SECTION, the commission shall operate under the rules and procedures of the legislative council.

(h) The commission shall study the consolidation of local government in Marion County, including the consolidation of functions proposed in HB 1435-2005, as introduced, and in the "Indianapolis Works" plan.

(i) There is appropriated forty-five thousand dollars (\$45,000) to the legislative council from the state general fund for the period beginning July 1, 2005, and ending June 30, 2006, to hire consultants, including accountants, auditors, and actuaries, that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County. The chairman and vice chairman of the legislative council must approve the hiring of any consultants by the commission.

(j) Before July 1, 2005, the city of Indianapolis must submit information concerning the following to the commission, including any data or assumption used by the city in providing the information:

(1) The anticipated locations and staffing levels of offices in Marion County providing services related to property assessment and township assistance.

(2) The operational efficiencies that may be achieved from the consolidation of law enforcement and firefighting functions.

(3) The anticipated law enforcement staffing and patrolling patterns throughout Marion County.

(4) The anticipated staffing of each existing fire station in Marion County.

(5) The anticipated wages and benefits that would be paid to law enforcement officers and firefighters of the consolidated departments, including any information concerning the timing of expected wage increases for officers and firefighters currently earning less than other officers with comparable

rank and experience.

(6) The anticipated pension payments to law enforcement officers and firefighters and the funding source of those payments.

(7) The amount of any reductions in administrative costs resulting from the consolidation of property assessment, township assistance, law enforcement, and firefighting functions.

(8) The amount of any other savings that might occur if services currently provided by township assessors and township trustees (other than township assistance and firefighting services) were transferred to existing county and city departments.

(9) Any other information demonstrating the manner in which the consolidation proposed by HB 1435-2005, as introduced, would affect:

(A) the cost of providing local government services in Marion County;

(B) tax rates, tax levies, and budgets of units of local government in Marion County;

(C) the ability of local government to provide services; and

(D) the ability of citizens to interact with government officials.

(k) Any interested party may submit information and data described in subsection (j) to the commission.

(l) The commission shall issue a final report to the legislative council before December 1, 2005, concerning any findings and recommendations made by the commission.

(m) This SECTION expires December 31, 2005.

SECTION 53. [EFFECTIVE UPON PASSAGE] The general assembly finds the following:

(1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county and city government and an absence of unincorporated areas within its county.

(3) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through consolidation of certain county, city, and township functions.

(4) Consolidation of certain county, city, and township services and operations will serve the public purpose by allowing the consolidated city to:

(A) eliminate duplicative services;

(B) provide better coordinated and more uniform delivery of local governmental services;

- 1 **(C) provide uniform oversight and accountability for the**
2 **budgets for local governmental services;**
3 **(D) allow local government services to be provided more**
4 **efficiently and at a lower cost than without consolidation.**
5 **(5) Efficient and fiscally responsible operation of local**
6 **government benefits the health and welfare of the citizens of a**
7 **consolidated city and is of public utility and benefit.**
8 **(6) The public purpose of this act is to provide a consolidated**
9 **city with the means to perform essential governmental services**
10 **for its citizens in an effective, efficient, and fiscally responsible**
11 **manner.**
12 **SECTION 54. [EFFECTIVE UPON PASSAGE] The legislative**
13 **services agency shall prepare legislation for introduction in the**
14 **2006 regular session of the general assembly to organize and**
15 **correct statutes affected by this act, if necessary.**
16 **SECTION 55. An emergency is declared for this act.**
17 Renumber all SECTIONS consecutively.
 (Reference is to ESB 307 as reprinted April 8, 2005.)

Conference Committee Report
on
Engrossed Senate Bill 307

Signed by:

Senator Young R Michael
Chairperson

Representative Behning

Senator Breaux

Representative Crawford

Senate Conferees

House Conferees